

REMARKS

Claims 6, 8, and 9-11 are currently pending in this application. Claim 6 is amended. Claim 7 is cancelled. The Title of Invention is amended. No new matter is presented. The foregoing amendments and following remarks are considered by Applicant to overcome each rejection raised in the Office Action and to place the application in condition for allowance. Accordingly, Applicant requests consideration of claims 6, 8, and 9-11.

The specification is objected for having a Title that is too long. The Title of the invention is amended. Accordingly, Applicants request the withdrawal of the objection to the specification.

Claims 6-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (U.S. Patent No. 4,720,804) in view of Berry (U.S. Patent No. 5,835,289). The Examiner takes the position that the combination of Moore and Berry teach or suggest all the elements recited in claims 6-11. Applicants respectfully disagree.

Moore is directed to a computer controlled image forming apparatus for making quantitative evaluations relating to an image of a subject which is programmed to control a plurality of associated electrically addressable indicia the images of which are viewable superimposed upon the image of the subject. The device is usable for measuring distances, areas, angles, curves, and is controllable by an operator who, by means of first signals input into the computer, selectively addresses particular member of the plurality of indicia by means of second signals output by the computer and conditioned by circuitry in a manner of quantitatively relate the addressed indicia to the image of the subject. Subsequently, the computer interprets the finally addressed indicia in terms of a physical parameter exhibited by the image of the subject for which the computer has been programmed and outputs results of the computations in the form of third signals or display to the operator.

Berry is directed to a lens attachment for an optical device that is removably positioned between an eyepiece and an objective lens. The auxiliary attachment includes a cylindrical prescription lens which corrects astigmatism. The auxiliary lens attachment is rotated with the eyepiece relative to the objective lens for positioning the auxiliary attachment at a precise rotational position relative to the objection lens for correction of the astigmatism.

It is respectfully submitted that the combination of Moore and Berry fail to teach or suggest all the features recited in claims 6, 10, and 11. With regard to claim 6, it is submitted that the cited references fail to teach or suggest a self-illuminating LED display which is

connected to control electronics or an LCD display with background illumination which is connected to control electronics is provided in the intermediate image plane of the eyepiece.

Moore discloses means that are provided for superimposing indicia into the image path for simultaneous viewing with the specimen. The indicia may include an arrangement of a liquid crystal display or other display in line or dot picture elements. However, Moor also discloses that the transmissive displays are transformable between a condition of continuous transparency or opaqueness. As a result, their information is only viewable when illuminated by the image of the object that is watched and which masks the object to some extent. (See Column 3, Lines 16-21). In addition, Figure 11 discloses an illuminated display, however, the display is coupled in the image path via a beamsplitter 86. Finally, in Figure 13, the LED is positioned on the base of the microscope. In contrast to the teachings of Moore, the claimed invention provides a self-illuminating LED display which is connected to control electronics or an LCD display with background illumination which is connected to control electronics is provided in the intermediate image plane of the eyepiece. Berry does not cure the deficiency of Moore. Therefore, it is respectfully submitted that the combination of Moore and Berry fail to teach or suggest all the features recited in claim 6. Accordingly, Applicants request the withdrawal of the rejection of claim 6 under 35 U.S.C. 103(a).

Claims 8 and 9 are dependent upon claim 6, therefore, it is submitted that claims 8 and 9 for at least the reasons mentioned above recites subject matter that is neither taught nor suggested by the cited references. As a result, Applicants request the withdrawal of the rejection of claims 8 and 9 under 35 U.S.C. 103(a).

With regard to claims 10 and 11, Applicants respectfully submit that the combination of the cited references fail to teach or suggest and eyepiece being constructed to be detachably mounted on a microscope and having a shape, size and fastening means in a same manner which is the same as an eyepiece not having such a device, so that an eyepiece with such a device can be exchanged with an eyepiece without such a device or vice versa on optical observation instrument. Although Berry discloses a detachable eyepiece, Berry does not teach or suggest a detachable ocular having a display means. Thus, Berry does not disclose an eyepiece as claimed in the present invention. Therefore, Applicants respectfully submit that the combination of Moore and Berry fail to teach or suggest all the features recited in claims 10 and 11. Accordingly, Applicants request the withdrawal of the rejection of claims 10 and 11 under 35 U.S.C. 103(a).

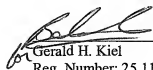
In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Claim 6 is

amended. Claim 7 is cancelled. No new matter is presented. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

Reed Smith LLP
599 Lexington Avenue
29th Floor
New York, NY 10022-7650

 Reg. No. 50,900
Gerald H. Kiel
Reg. Number: 25,116
Telephone: 212-521-5400
Facsimile: 212-521-5450